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Report of the Ad Hoc Expert Group on Consideration with a View to Recommending the Parameters of a Mandate for Developing a Legal Framework on All Types of Forests (New York, 7 to 10 September 2004)

Summary

The United Nations Forum on Forests Ad Hoc Expert Group on Consideration with a View to Recommending the Parameters of a Mandate for Developing a Legal Framework on All Types of Forests met from 7 to 10 September 2004 in New York. The meeting was attended by 68 nominated experts, as well as representatives from some member States, members of the Collaborative Partnership on Forests, other international organizations and major group organizations. The report is being presented to the fifth session of the Forum for its consideration and appropriate action.

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I. Background

1. When the Economic and Social Council established the United Nations Forum on Forests, by its resolution 2000/35, it also decided that the Forum may recommend the convening of ad hoc expert groups of limited duration, involving experts from developed and developing countries, for scientific and technical advice. At its third session, the Forum recommended the establishment of an ad hoc expert group on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests. This recommendation was subsequently adopted by the Economic and Social Council in its decision 2003/299.

II. Organizational and other matters

A. Venue and duration of the meeting

2. The meeting of the Ad Hoc Expert Group on Consideration with a View to Recommending the Parameters of a Mandate for Developing a Legal Framework on All Types of Forests was held at United Nations Headquarters from 7 to 10 September 2004.

B. Tasks of the ad hoc expert group

3. The Economic and Social Council decided that the Ad Hoc Expert Group should provide scientific and technical advice to the United Nations Forum on Forests for its work on consideration, with a view to recommending to the Economic and Social Council, and through it to the General Assembly, the parameters of a mandate for developing a legal framework on all types of forests. The Council also decided that the work of the Group should be undertaken within the context of Economic and Social Council resolution 2000/35 and resolutions adopted by the United Nations Forum on Forests at its sessions, in particular those referring to the creation and scope of the ad hoc expert group.

4. The Ad Hoc Expert Group was requested by the Council to undertake the following specific tasks:

(a) Assess existing regional and international binding and non-binding instruments and processes relevant to forests, including an analysis of complementarities, gaps and duplications, taking into account United Nations Forum on Forests resolution 2/3 on specific criteria for the review of the effectiveness of the international arrangement on forests;

(b) Consider reports prepared by countries, member organizations of the Collaborative Partnership on Forests and the secretariat of the United Nations Forum on Forests, as well as outcomes of Forum sessions;

(c) Consider other outcomes of the international arrangement on forests, inter alia, the efforts of countries to implement the proposals for action of the Intergovernmental Panel on Forests (IPF)/Intergovernmental Forum on Forests (IFF), other expert groups, country-led and organization-led initiatives of the Forum

and previous relevant initiatives, as well as forest-related work undertaken by the member organizations of the Collaborative Partnership on Forests;

(d) Review the relevant experiences of existing forest-related and other relevant organizations and agreements, including multilateral environmental agreements and regional conventions and processes, focusing on complementarities, gaps and duplications;

(e) Provide for the consideration of the Forum at its fifth session, a balanced range of options with respect to the consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests.

5. The Economic and Social Council decided that the report of the meeting of the Ad Hoc Expert Group would specify major outcomes of the Group's work, including proposals and recommendations for further consideration by the Forum. It further decided that the proposals and recommendations of the Ad Hoc Expert Group should be provided by consensus. In the absence of consensus, the reports of the ad hoc expert group should fully reflect the diversity of views expressed.

C. Preparation, attendance and participation

6. The Economic and Social Council also decided that, to ensure efficiency, transparency and balanced reflection of the range of views, the following preparations should be performed for the meeting of the Ad Hoc Expert Group:

(a) Presentation of factual and technical information, including updated information on existing regional and international binding and non-binding instruments and processes relevant to forests and that of other relevant organizations and agreements, including multilateral environmental agreements and regional conventions and processes;

(b) Compilation of the progress made and catalysts and obstacles encountered by member States and member organizations of the Collaborative Partnership on Forests in implementing the proposals for action of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests and the decisions and resolutions of sessions of the United Nations Forum on Forests;

(c) Presentation and detailed description of a range of options, including their legal, financial and institutional modalities.

7. The Council invited member States of the United Nations Forum on Forests to submit their views on (a), (b) and (c) above. The Council also invited member organizations of the Collaborative Partnership on Forests to provide information on (a) and (b) above. A compilation of these views and this information comprised background document E/CN.18/AC.3/2004/1 for the Ad Hoc Expert Group.

8. The Council decided that the Ad Hoc Expert Group should be composed of experts of the member States of the United Nations Forum on Forests. The experts should have well-recognized scientific and technical expertise on the forest regime and the Rio conventions and knowledge of the intergovernmental forest policy deliberations of IPF, IFF and the United Nations Forum on Forests. The Council also decided that the Collaborative Partnership on Forests should be invited to make scientific and technical contributions to the work of the Ad Hoc Expert Group and to support the work of the Group in a resource capacity. The Council further decided

that intergovernmental organizations and representatives of major groups with relevant expertise may participate in the meeting, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council, as well as practices established by the Commission on Sustainable Development, IPF and IFF, and that they may be invited to make scientific and technical contributions.

9. A full list of participants can be found in annex I to the present report.

D. Election of officers

10. The Council decided that two co-chairpersons of the Ad Hoc Expert Group should be elected from among experts at its meeting, one from a developing country and one from a developed country. The experts elected Andrea Albán Durán (Colombia) and Tim Rollinson (United Kingdom of Great Britain and Northern Ireland) as co-chairpersons.

E. Documentation

11. Documentation prepared for the meeting included the provisional agenda, with annotations, two notes by the Secretariat and three background documents. In addition, the reports of the ad hoc expert groups on approaches and mechanisms for monitoring, assessment and reporting and on finance and transfer of environmentally sound technologies; and relevant papers prepared for IPF/IFF meetings were made available to the experts. A full list of those documents can be found in annex II to the present report.

F. Conduct of the meeting

12. In adopting its provisional agenda and organization of work the participants agreed to have a general exchange of views related to the tasks of the ad hoc expert group during the first two days of the meeting. Overall, the group considered reports prepared by countries, member organizations of the Collaborative Partnership on Forests and the United Nations Forum on Forests secretariat, as well as outcomes of Forum sessions in addressing its tasks. In order to seek the scientific and technical contribution of Collaborative Partnership on Forests members and representatives of major groups, experts heard a presentation from the Partnership and a multi-stakeholder panel. During the third day, the experts elaborated in more detail their views related to the tasks of the Group, based on the outcomes of their initial discussions on the first two days. This enabled the co-chairs to put forward a draft report, which reflected the very productive, positive and wide-ranging discussions of the Group. The report also reflects the major outcomes of the Group's work and the diversity of views expressed, including different observations, proposals and recommendations for further consideration by the Forum at its fifth session.

III. Observations and matters for the consideration of the United Nations Forum on Forests

A. Introduction

13. Many experts said that they had been impressed by the positive mood and atmosphere at the meeting and the constructive discussions.

14. The Ad Hoc Expert Group agreed that it would tackle the five tasks it had been given by the Economic and Social Council, and which are listed in paragraph 4 above, as follows:

(a) Tasks (a) and (d) would be addressed under agenda item 4 (a), namely, "Analyse complementarities, gaps and duplications and review the relevant experience of existing regional and international binding and non-binding instruments and processes relevant to forests";

(b) Task (c) would be addressed under agenda item 4 (b), namely, "Consider other outcomes of the international arrangement on forests, inter alia, the efforts of countries to implement the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action";

(c) Task (e) would be addressed under agenda item 4 (c), namely, "Prepare for the United Nations Forum on Forests at its fifth session a balanced range of options for consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests";

(d) Overall, in carrying out its tasks, the Ad Hoc Expert Group would take into account task (b), since the reports prepared by member States and member organizations of the Collaborative Partnership on Forests and the Forum secretariat, as well as outcomes of Forum sessions provided an essential input to the work of the Group.

B. Observations

1. Analysis of complementarities, gaps and duplications as well as review of relevant experiences of existing regional and international binding and non-binding instruments and processes relevant to forests

15. In its discussion of this item, the Ad Hoc Expert Group sought to identify strengths and weaknesses of the international arrangement on forests, and to present overall views on what is needed at the international level in order to improve achievement of the objective of the international arrangement on forests, namely to promote the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end. Some experts highlighted the importance of this objective and of the role of sustainable forest management in offering a wide range of benefits to current and future generations.

16. A number of experts noted that there were currently many regional and international binding and non-binding instruments and processes relevant to forests, and that the functions of many of these had been outlined in background document E/CN.18/AC.3/2004/CRP.2. During their discussion of complementarities, gaps and duplications, the following observations, among others, were made:

(a) Each instrument and process has its own particular focus and mandate, which determines its scope on forests. The fact that so many instruments and processes are relevant to forests is due to the cross-sectoral nature of forests. Some experts said that full advantage should be taken of the fact that there was wide recognition of forests in different instruments and processes. Some experts suggested that there was scope to reduce unnecessary overlaps; others said that there was also scope to provide opportunities for further collaboration. A number of experts felt that, without a central, strong voice for forests within the United Nations system, there would be a danger of fragmentation and lack of coherence, with the role of forests being marginalized as a minor part of other agendas;

(b) Many experts suggested that effective coordination and cooperation among international instruments, processes and organizations was important, partly because there was likely to be competition among them for resources and political attention and also to avoid duplication of work. Some experts said that effective coordination at the international level depended upon a coherent approach at the national level, to provide consistent messages to international bodies. Many experts noted the Collaborative Partnership on Forests, in support of the United Nations Forum on Forests, as a good example of collaborative action between forest-related organizations and instruments;

(c) Many experts emphasized that financial constraints and lack of other means of implementation continued to be a serious obstacle to implementation;

(d) Some experts said that regional instruments or processes were important, although it was also pointed out that they did not necessarily operate in all countries. Some experts mentioned that there were countries which were not parties to all international instruments, agreements and processes;

(e) Some experts noted that it was important to secure stakeholder involvement, and it was also pointed out that this could be difficult when there were so many processes.

17. Some experts regarded the international arrangement on forests as broadly including the member countries, the United Nations Forum on Forests and the Collaborative Partnership on Forests, the Secretariat, and country-led and organization-led initiatives and said that it had a mandate that fully covered all aspects of sustainable forest management in all types of forests.

18. Some experts considered that a strengthened international arrangement on forests should focus on the improvement of international cooperation on sustainable forest management. It was suggested by some that, to be effective, such cooperation should include the provision to developing countries, countries with economies in transition and small island developing States of new and additional financial resources, environmentally sound technologies and capacity-building. Some experts also said that, to be effective, this cooperation should not imply passive dependence on external assistance.

19. Many experts underlined their concern that, despite the work and achievements of recent years at all levels, the loss of forest cover and forest degradation, the root causes of which were social and economic, continued to be matters of serious concern.

20. Several experts emphasized the importance of effective implementation on the ground. Some felt that there needed to be a shift of emphasis from policy dialogue to action. Some emphasized the need to ensure that there were strong links between policy development and implementation, explaining that those responsible for implementation needed a sound policy framework and that policy development needed to be informed by feedback about implementation.

21. Many experts also underlined the crucial importance of securing adequate means of implementation, including financial resources, capacity-building and transfer of environmentally sound technologies. Furthermore, the importance of linkages between national, regional (or subregional) and global-level forest-related instruments and processes were highlighted. Different countries may have different priorities for sustainable forest management according to their particular circumstances. Some experts noted that regional instruments and processes provided a valuable means for cooperation between countries and integrated action where national circumstances were similar. Some experts considered that there was also a need for an international arrangement to provide guidance, including global policy dialogue and development and a supportive structure at the global intergovernmental level for action at all levels.

22. In their consideration of gaps, some experts also recognized that policy priorities changed over time and that there was a need to respond to emerging or critical issues which needed to be identified and addressed. Some experts referred to illegal logging/forest-related activities as one such example. A number of experts said that a comprehensive, forest-specific, perspective was needed to inform more explicitly those areas in which forests were dealt with as a solution to a specific concern, or as a component of an issue, such as climate change, biological diversity, desertification or areas experiencing conflict. Many experts felt that, if forests were to remain on the political agenda at the national, regional, or global level, their benefits must be clear to society. In this context, some experts recognized that there were clear links with programmes for achieving internationally agreed development goals (including those contained in the United Nations Millennium Declaration), as well as other priorities which may be country or region-specific.

2. Consideration of other outcomes of the international arrangement on forests, inter alia, the efforts of countries to implement the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action

23. Some experts said that the creation of the international arrangement on forests, including the establishment of the United Nations Forum on Forests, with universal membership, as a subsidiary body of the Economic and Social Council, supported by the Collaborative Partnership on Forests, was a considerable achievement. Some experts considered stakeholder participation by recognized major groups and the opportunity for a multi-stakeholder dialogue as part of this achievement. There was also a suggestion that opportunities for their participation should be improved.

24. Some experts noted that there had been progress in the implementation of the IPF/IFF proposals for action, and said that the international arrangement on forests had played an important part in this, although the Forum had a limited mandate and limited means. Others said that progress had been limited. A number of experts indicated that, at the national level, it was very hard to implement the proposals for action, owing to the fact that there were more than 270 of them.

25. On the one hand many experts pointed out that catalysts for the implementation of the proposals for action had included:

- Strengthened and secure long-term political commitment
- Increased development and implementation of national forest programmes, which were also valuable in promoting intersectoral cooperation
- Political recognition within some countries of the relevance of sustainable forest management
- The process for developing and implementation of criteria and indicators for sustainable forest management
- Certification, although it was also noted that certification was a complex issue
- Partnerships, including private-sector and stakeholder participation
- Role of the Collaborative Partnership on Forests and its joint and collaborative initiatives
- Country-led and organization-led initiatives
- Opportunities for exchanges of experience (at Forum sessions, during intersessional activity and informally).

26. On the other hand, many experts also pointed out that obstacles to progress had included:

- Difficulties experienced in including forests and forest management on the political agenda
- Insufficient means of implementation, particularly the lack of financial resources. These included resources needed for national implementation of sustainable forest management and for facilitating reporting
- Policy dialogues that tended to be too far removed from action on the ground and remote from the needs of other levels (national and regional) and other stakeholders (including non-governmental organizations, business and industry, indigenous people and local communities and practitioners)
- A lack of time and appropriate venues for a more detailed exchange on lessons learned
- Absence of sufficient financial support from the governing bodies of the Collaborative Partnership on Forests for collaboration and coordination in relation to forests
- Inconsistencies in reporting. Some experts noted the desirability of developing a reporting system to facilitate the process for assessing progress. They also noted that monitoring, assessment and reporting was a valuable means for sharing experience in lessons learned
- Lack of clear goals and targets
- Making inadequate use of partnership opportunities, such as the World Summit on Sustainable Development partnerships.

27. In addition, other obstacles referred to by major group representatives included a lack of participation in decision-making, leading to policies that did not take full account of stakeholders' needs; unsustainable consumption and production patterns; a lack of market access for rural communities; a lack of a common approach among instruments and processes with regard to commercial aspects of forest management and trade in forest products; the need for a broader recognition of the economic aspects of forests; a lack of access to resources allotted at the national or global level for sustainable forest management by grass-roots women's and other stakeholder organizations; a lack of understanding by urban communities of the relationships that rural communities have with the natural environment; and a negative attitude of some Governments towards domestic indigenous communities. A decline in forest-related employment opportunities and declining levels of funding allocated for forest research were identified as obstacles to science-policy interaction, as well as in attracting students to study forestry-related disciplines.

28. A particularly important obstacle referred to by many experts were financial constraints, which could have an adverse impact on capacity-building and the transfer of environmentally sound technologies for sustainable forest management, particularly in developing countries. Some experts said that there was a need to compete for limited financial resources, and this could be difficult if sustainable forest management was not identified as a national priority. Reference was made to the fact that the resources allotted to Global Environment Facility (GEF) Operational Programme 15 to date had already been disbursed mostly to non-sustainable forest management projects. Some experts also noted the need to secure more GEF funds for sustainable forest management-related activities, as well as recognizing the importance of forests in the next replenishment of GEF. Strategic initiatives led by Governments were needed to address this problem in GEF and other international funding bodies.

29. The burden of responding to different reporting requirements was noted by some experts.

30. The experts discussed the advantages and disadvantages of dealing with more than 270 IPF/IFF proposals for action. Many experts pointed out that they provided a valuable agenda for forest policy and that countries needed to set their own priorities and implement only those that were relevant to their own circumstances. Several others noted that the number of proposals, together with their negotiated language, made them difficult for conveying a focused message that practitioners could understand. Some experts said that it was important to raise awareness of the IPF/IFF proposals for action among stakeholders and countries and reference was made to tools for country assessment. There was a need to consider their future role, building upon the achievement of developing them, but also developing more priority objectives. This was necessary in order to develop a common understanding of core priorities that could be shared with those responsible for implementation and with those working in other sectors. It was suggested by some that sustainable forest management was more likely to enjoy political support if there were more focus on a small number of strategic goals and key priorities clearly linked to national development strategies. In addition, it was suggested by some that in a future international arrangement on forests, the proposals for action should be a context rather than a focus priority for implementation.

31. Some experts also observed that there was a need for national programmes to address other international forest-related commitments, such as those agreed by the Convention on Biological Diversity. Some reinforced the need for effective coordination at the international level to assist effective implementation at the national level.

32. Representatives of major groups stated that they could play a role in stimulating political commitment and expressed a readiness for real partnership. They stated that successful partnerships involved all parties in both decision-making and implementation. In that regard, they expressed their shared concern that, although the multi-stakeholder dialogues were successful in creating synergies among the groups, the international arrangement on forests was not as effective as it could be in ensuring that their perspectives were incorporated into the policy process. Suggestions were made for a formal feedback process to demonstrate how major groups' recommendations were put into practice.

3. Providing, for the consideration of the Forum at its fifth session, a balanced range of options with respect to consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests

33. A number of experts said that it might be prudent to first have agreement on goals, objectives and substance before considering options. Some experts expressed the view that the overall goal of any future arrangement should be to combat deforestation and forest degradation through promoting sustainable forest management worldwide, and thereby to contribute to the achievement of other internationally agreed development goals, including those contained in the Millennium Declaration, including paragraph 23, which contained a resolution by heads of State and Government to intensify their collective efforts for the management, conservation and sustainable development of all types of forests.

34. Some experts suggested that a set of specific targets should be developed to support that objective, including for example:

- A reduction in the rate of deforestation by x per cent by, say, 2015
- A reduction of x per cent in the level of illegal logging or forest-related activity.

35. Other targets might relate to the percentage of the world's forests that is sustainably managed, the role of forests in the conservation of biological diversity, protected areas, sustainable development, the contribution of forests to poverty reduction, supporting livelihoods and the role of stakeholders.

36. Some experts considered that the negotiation of global quantitative goals would be premature and that target-setting should not be a priority. Some experts said that the main objective in the new phase of the United Nations Forum on Forests should be the expansion of sustainable forest management through the enactment of domestic policies.

37. Some experts pointed out that the conditions and challenges with regard to forests differed from one region to another, noting the existing regional processes and instruments; it was suggested by some that legally binding rules at the global level might not address regional and local concerns.

38. Many experts identified several overarching objectives of the future arrangement on forests that would be common to all options and that could be used to focus international forest policy. Experts mentioned a number of possibilities including:

- Securing high-level political commitment
- Providing dialogue on forest-related issues and emerging issues of priority concern
- Providing adequate means of implementation, including secured and predictable financial resources, capacity-building and access to environmentally sound technologies
- Financing of projects
- Providing guidance in a comprehensive and holistic manner
- Promoting open, transparent, inclusive processes, ensuring full participation by all countries
- Catalysing action on the ground and stimulating a bottom-up approach
- Providing a supportive environment for countries in order to help them achieve sustainable forest management
- Providing a coordination mechanism at the international level, including the Collaborative Partnership on Forests and making more extensive use of the Partnership to carry out joint and collaborative initiatives
- Attracting the interest of a wide range of stakeholders, making full use of participatory processes and strengthening involvement of major groups, and at the same time improving communication with the public about forest-related issues
- Developing partnerships aimed at achieving sustainable forest management, including initiatives among Governments, organizations and other stakeholders, both within and beyond the forest sector
- Developing clear monitoring, assessment and reporting functions that are designed to help countries to share experience and learn lessons, as well as providing a tool for assessing progress towards sustainable forest management
- Facilitating cross-sectoral coordination nationally and internationally between the forest sector and other sectors, in order to reduce negative impacts on forests of decisions made outside the forest sector; and to provide broad guidance and to assist in the development of national policy and legislation
- Providing a mechanism for supporting and involving regional processes.

39. Many experts pointed out that it was essential that financial modalities (including the source of funding and funding mechanisms) were considered for all options. At the same time, agreed goals must be realistic in relation to funding. Several experts referred to potential financial mechanisms, including the possibility of a separate operational programme for forests within GEF or making forests a separate focal area for GEF. But it was also noted that a legally binding instrument might be necessary for GEF funding, and that the GEF mandate limited the type of projects for finance. Other ideas put forward included a trust fund, partnerships,

World Bank funding and a project-based approach similar to that of the International Tropical Timber Organization.

40. Most experts mentioned that there was a need for change to the international arrangement on forests in order to further promote the achievement of sustainable forest management. It would be important to build on the achievements of the intergovernmental forest policy processes. Experts noted that the current range of activities related to forests (such as national forest programmes, criteria and indicator processes and the adoption of national legal frameworks for forests) had emerged from the IPF/IFF processes and from the international arrangement on forests. The international arrangement on forests had achieved a number of successes, including for example recognition of forests in the Millennium Declaration and the Johannesburg Plan of Implementation. There was now, however, a need to move forward.

41. The experts put forward a wide range of options for future arrangements. Several noted that these options fell broadly within the realm of non-legally binding instruments and legally binding instruments. Several experts emphasized that these approaches were not necessarily mutually exclusive.

42. Most of the experts considered that the status quo was not a viable option because of the importance of forests in the international agenda. Some experts said that the option of discontinuing the current international arrangement should not be considered further.

Developing the existing international arrangement on forests

43. Several experts supported the need to strengthen the international arrangement on forests. Various options and measures were presented in this regard. Other experts expressed reservations about the effectiveness of these options and measures in strengthening the international arrangement on forests.

44. Some experts considered that the existing international arrangement on forests could be strengthened, building upon past achievements and lessons learned, and recognizing that the international arrangement on forests had the potential to address a range of forest issues in a holistic and coordinated manner, advancing countries' common interests and focusing on real action. A number of possible aims were identified. These included:

- Revitalizing the role of the international arrangement on forests in promoting a comprehensive and holistic dialogue on the broad set of issues associated with sustainable forest management
- Giving the international arrangement on forests a clearer focus on a limited number of issues requiring international political attention that are of pivotal concern to all levels (global, regional, national) and relevant to all actors
- Focusing on the need for effective implementation on the ground in order to make progress towards sustainable forest management. A number experts emphasized the importance of securing necessary means of implementation and the need to provide seed money as a catalyst
- Facilitating coordination among forest-related organizations and instruments. As a subsidiary body of the Economic and Social Council, the United Nations

Forum on Forests is well placed to address cross-sectoral issues affecting forests

- Performing more regional and thematic activities, as well as facilitating country-led and organization-led initiatives, and involving major groups more closely in the arrangement's activities
- Increasing the priority of sustainable forest management on national and international agendas, strengthening understanding of the positive contribution sustainable forest management can make to other international and national priorities (such as poverty reduction and sustainable development)
- Being clearer about the functions of the different components of the international arrangement on forests, and ensuring that it has the necessary authority, capacity and resources to carry out those functions
- Being clearer that the purpose of the international arrangement on forests is to advance country interests and progress towards sustainable forest management
- Utilizing the Collaborative Partnership on Forests more extensively to carry out cooperative programmes and initiatives.

Options

45. Some experts referred to a number of possible general features of such an option, including:

- Developing broad guidelines and criteria relating to sustainable forest management and its implementation
- Increasing the role of national forest programmes for implementation at the country level and strengthen the national forest programmes facility and other mechanisms to support implementation
- Promoting continuous exchanges of experience and lessons learned
- A strengthened political and catalytic role for the United Nations Forum on Forests
- Creating a stronger framework for cooperation and partnership between all relevant actors through participatory processes
- Adopting a longer term programme of work with periodic reviews; experts had a range of different views about whether this might be, for example, from 3 to 5 or from 10 to 15 years
- Reviewing the frequency of meetings (for example, one year policy and one year thematic or regional), and timing in relation to other international meetings. Some experts expressed their concern regarding the proliferation of meetings at the regional and international level
- Strengthening reporting processes, taking advantage also of synergies with other processes, including criteria and indicator processes, and recognizing the capacity needs for effective reporting
- Developing even closer and more substantive involvement of major groups in the operations and deliberations of the international arrangement on forests.

46. Some experts noted that a strengthening of the international arrangement on forests would not preclude further development towards a legally binding instrument in the future, if that was the wish of member States.

47. Experts also identified different ways in which this option could be developed.

48. One option would be to strengthen the international arrangement on forests, through financial strengthening, greater political support, a clearer mandate and a strengthened secretariat.

49. Another option put forward was to develop voluntary guidelines based on the Rio Forest Principles[1] to support the implementation of the IPF/IFF proposals for action on the ground. Guidelines could include:

- Main targets and goals
- Means of implementation, including financial resources, technology transfer and capacity-building
- Public awareness-raising
- Clearing-house mechanism, especially related to best practices
- Monitoring of progress and reporting.

50. Another option would be to develop a Collaborative Framework on Forests. Such an arrangement could consist of:

- A "Declaration of commitment on sustainable forest management"
- A clear and predictable means of implementation
- A strengthened reporting mechanism
- A stronger secretariat and Collaborative Partnership on Forests.

51. Another option would be a political, scientific and cooperative intergovernmental body, the main purpose of which would be to finance projects related to sustainable forest management. Such an arrangement could consist of:

- A political committee, for policy dialogue
- A scientific committee, for scientific and technical dialogue
- A financial and cooperation committee, for implementation and financing of projects.

This option would also include proposals for regional meetings.

52. A further option would be to develop regional and thematic arrangements. This would mean developing a two-tiered approach, whereby a programme of regional and/or thematic meetings would provide input to global meetings.

Institutional modalities

53. Some experts said that a strengthened international arrangement on forests should improve its institutional structure, perhaps through a strengthened secretariat, and emphasize the Collaborative Partnership on Forests, possibly changing the focus and role of its secretariat. It was also suggested that the international arrangement on forests could be linked to the Food and Agriculture

Organization of the United Nations and the United Nations Environment Programme and the secretariat based in Rome. Another possibility would be to extend the Bureau of the future international arrangement on forests with the participation of one government representative from regional processes; and participation from the secretariat of the regional processes on forests in any future inter-agency collaborative mechanisms, such as the Collaborative Partnership on Forests.

Financial modalities

54. Proposals put forward included establishing a trust fund for collaborative activities; adopting a project approach similar to the International Tropical Timber Organization; and accessing existing financial mechanisms, such as GEF, more effectively.

A convention or protocol approach

55. Some experts proposed the development of a convention or protocol approach. A number of experts were cautious in drawing a distinction between non-legally binding and legally binding instruments. It was suggested that a number of the features of a strengthened international arrangement on forests would apply equally to a convention or protocol. In addition, a number of other possible aims for a convention or protocol approach were identified. These included:

- Providing a strong signal that forest-related issues were a matter for the international community
- Providing a global framework for forest policy
- Providing a legal basis for addressing all forest-related issues in a holistic, balanced and comprehensive manner, while being focused on core issues. This would contrast with the fragmented approach to forests in existing international legally binding instruments; a convention on forests could reinforce existing forest-related obligations in these other instruments and address problems of fragmentation
- Increasing the legislative authority for forest-related matters at the international and/or national level
- Providing a legal obligation for reporting by countries on progress in implementing sustainable forest management
- Improving the level of monitoring, assessment and reporting, with a clearly defined approach to monitoring, assessment, reporting and compliance mechanisms
- Promoting cooperation, financial assistance and technology transfer by generating financial mechanisms and by providing enabling conditions for investment in the forest sector
- Establishment of an authoritative base required for more effective implementation of sustainable forest policy, including obligations to implement binding policies for sustainable forest management at the national, regional and international levels
- Generating greater political commitment for sustainable forest management

- Providing long-term reliability in terms of sources of funding
- Providing a focus for collaborative action.

56. Some experts pointed out that it would be necessary to define the relationship of a convention or protocol to other legally binding forest-related instruments and international and regional processes and organizations.

57. Some experts expressed concern that such a convention and protocol approach could be too rigid and not flexible enough to adapt to changing circumstances.

58. Some experts emphasized the need to balance the economic, social and environmental aspects of sustainable forest management in any such instrument.

59. A number of experts pointed out the need to determine transitional institutional arrangements in the interim until any legally binding instrument was adopted. It was pointed out that such negotiation would take time and it was suggested that existing arrangements should be continued in the meantime.

60. Representatives of major groups suggested that an argument for a convention was that global forestry policies needed the moral authority derived from an international legal instrument and a participatory, empowered central body or forum capable of providing policy adaptability and monitoring coordination. Arguments against a convention were that the international community already had a clear understanding of the problems to be addressed and it was time to take action; negotiation of a convention would only delay the decisive action needed to halt the current alarming rate of deforestation; a legally binding instrument on forests would further legitimize commercialization of forests and further exclude indigenous and forest-dependent peoples; it would entrench narrow and potentially harmful interpretations of national sovereignty over natural resources.

Options

61. In discussing options under a convention or protocol approach, a number of experts expressed their preference for a framework convention. A framework convention could address matters of common interests; it could also provide for the agreement of regional protocols appropriate to particular regions and for thematic protocols dealing with more specific technical matters. The experts noted that this option could provide flexibility to respond to different themes or regional situations.

62. Another option discussed by experts was the adoption of a protocol under an existing international convention. Two existing international instruments that were referred to for this option were the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change. Any such protocol would need to fall within the mandate of the parent convention.

Institutional modalities

63. The coverage of this instrument, and its relation to other existing legally binding instruments, would need careful assessment. Some experts noted that a forest-related instrument may not bind other instruments.

Financial modalities

64. Some experts noted that a convention or protocol might provide access to new funding mechanisms, including more explicit recognition and direct access to funds, such as GEF. Another possibility was the potential for a dedicated forest financial mechanism.

65. Some experts expressed concern that countries might face new obligations without having the additional financial means to fulfil those obligations. It was considered important that all implications be examined before committing to a new legally binding instrument.

C. Matters for the consideration of the United Nations Forum on Forests

66. The group, in adopting its report, recommended that the United Nations Forum on Forests at its fifth session, to be held at United Nations Headquarters, from 16 to 27 May 2005, consider and build upon the richness of the constructive discussions and exchange of views of the ad hoc expert group over four days, reflected in the present report.

67. Some experts noted that there was further work that needed to be done. The possibility of continuing the dialogue on possible options in advance of the fifth session of the Forum was raised. Some experts said that any such discussions should be open, transparent and inclusive. Suggestions were made about the use of electronic communications to facilitate such a dialogue.

Notes

[1] Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, resolutions adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

Annex I

List of participants

A. Nominated experts

Eun-ju Ahn, Permanent Mission of the Republic of Korea to the United Nations, New York

Tienko Jean Akossongo, Direction des Amenagements Forestiers, Burkina Faso

Maria Andrea Alban, Ministry for Foreign Affairs, Colombia

Vlatko Andonovski, Faculty of Forestry, the former Yugoslav Republic of Macedonia

Fady Raymond Asmar, Ministry of Agriculture, Lebanon

Tasso Rezende Azevedo, Ministry of Environment, Brazil

Richard Ballhorn, Foreign Affairs, Canada

Tony Bartlett, Department of Agriculture, Fisheries and Forestry, Australia

Fred Manuel Batlle, Instituto Nacional de Bosques, Guatemala

John Bazill, European Commission, Belgium

Erik Bjornebye, Ministry of Foreign Affairs, Norway

Abdelhak Boussaha, Direction Generale des Forêts, Algeria

Manuel Briceno Mendez, Ministerio del Ambiente y de los Recursos Naturales, Venezuela

Frank Cantelmo, St. John's University, Holy See

Alain Chaudron, Ministry of Agriculture, France

Kimsum Chheng, Forest Management, Cambodia

Matar Cisse, Forestry and Water Department, Ministère de l'Environnement et de la Protection de la Nature, Senegal

Claudio D'Aloya, Ministry of Foreign Affairs, Italy

Carl De Schepper, Flemish Forest Service, Belgium

Andreas Drouzas, Ministry of Rural Development and Food, Greece

Modesto Fernández Díaz-Silveira, Ministry of Science, Technology and Environment, Cuba

Maria da Conceiçao Ferreira, Ministry of Agriculture, Portugal

Ingwald Gschwandtl, Federal Ministry of Agriculture, Forestry, Environment and Water Management, Austria

Claudio R. Gutiérrez, Ministerio de Relaciones Exteriores, Argentina

Marilyn Headly, Forestry Department, Jamaica

Juan Holguin, Ministry of Foreign Affairs, Ecuador

Hans Hoogeveen, Ministry of Agriculture, Nature and Food Quality, the Netherlands

Yuji Imaizumi, Forestry Agency, Japan

Armas Jappinen, Ministry of Industry, Employment and Communications, Sweden

Dusan Jovic, Ministry of Agriculture, Forestry and Water Management, the Republic of Serbia

Vincent Kasulu Seya Makonga, Direction Sustainable Development, the Democratic Republic of the Congo

Indrek Laas, Ministry of the Environment, Estonia

Mauricio Limón Aguirre, Secretaria de Medio Ambiente y Recursos Naturales, Mexico

Esther Lusepami-Kamwi, Ministry of Environment, Namibia

Xolisa Mabhongo, Permanent Mission of South Africa to the United Nations, New York

André Jules Madingou, Direction Générale des Eaux et Forêts, Gabon

Jan L. McAlpine, Department of State's Office for Ecology and Terrestrial Conservation, the United States of America

Hossein Moeini Meybodi, Permanent Mission of Iran to the United Nations, New York

Ali Mohamed, Forestry Department, Comoros

Gregoire Nkeoua, Minsitere des Eaux et Forêts, the Republic of the Congo

Kenneth M. Nyasulu, Department of Forestry, Malawi

Noel O'Connor, Department of Agriculture and Food, Ireland

Sylvester Aroboi Okonofua, Federal Ministry of Environment, Nigeria

Gershom Onyango, Ministry of Water, Lands and Environment, Uganda

Djauhari Oratmangun, Department of Foreign Affairs, Indonesia

Milan Orsanic, Ministry of Agriculture, Forestry and Water Management, Croatia

Piotr Paschalis-Jakubowicz, Department of Forest Utilization, Warsaw University, Poland

Federico Perazza, Ministry of Foreign Affairs, Uruguay

Franz Xaver Perrez, Swiss Agency for Environment, Switzerland

Anders Portin, Ministry of Agriculture and Forestry, Finland

Hoda Salah El-Din Rashed, Ministry of Agriculture and Land Reclamation, Egypt

Ramiro Riobo, Ministry of Foreign Affairs, Chile

Tim Rollinson, Forestry Commission, Scotland, United Kingdom of Great Britain and Northern Ireland

Carlos Salinas Montes, Instituto Nacional de Recursos Naturales, Peru

Matthias Schwoerer, International Forest Policy Division, Germany

Obote Shakacite, Forestry Department, Zambia

Oleg Shamanov, Permanent Mission of the Russian Federation to the United Nations, New York

Jitendra Vir Sharma, Ministry of Environment and Forests, India

James Singh, Guyana Forestry Commission, Guyana

José Solano, Ministerio de Medio Ambiente, Spain

Petru Stratulat, State Forestry Agency, Republic of Moldova

Mahouna Tchiwanou, Forests and Adjacent Zones Management Programme, Benin

Lars Toksvig, Forest and Nature Agency, Denmark

Ricardo Ulate, Ministry of Environment and Energy, Costa Rica

Bashir Ahmed Wani, Ministry of Environment, Pakistan

Don Wijewardana, Ministry of Agriculture and Forestry, New Zealand

Frank Wolter, Administration des Eaux et Forêts, Luxembourg

Jun Xia, Forestry Administration, Department of International Cooperation, China

B. Other participants

1. Representatives of member States

Argentina

Gustavo Ainchil

Austria

Alice Zaunschirm

Belgium

Hendrik De Baere

Brazil

Simone Meira Dias

Hadil Da Rocha Vianna

Canada

Mike Fullerton

Patrice Laquerre

Ralph Roberts

Denyse Rousseau

Colombia

Jorge Hernán Betancur

Manuel Rodríguez Becerra

Costa Rica

Cinthia Soto

Denmark

Peter Aarup Iversen

Finland

Markku Aho

Leena Karjalainen-Balk

France

S.E. Denys Gauer

Olivier Lacroix

Julien Gaubert

Gabon

Antoine Ndongou

Germany

Astrid Thyssen

Matthias Reiche

Albert Graf

Indonesia

Tonny Soehartono

Tri Tharyat

Lebanon

Ghattas Akl

Luxembourg

Marc Bichler

Anne Elsen

Jean-Jacques Erasmy

S.E. Jean-Marc Hoscheit

Annick Klein

Frank Wolff

Mexico

Francisco Garcia Garcia

Audomaro Alba Padilla

Morocco

Abdellah Benmellouk

Netherlands

Heleen Bakker

Hylke Dijkstra

Rebecca Parzer-Gloudemans

Pakistan

Raja Raza Arshad

Peru

José Antonio Doig

Portugal

Vanessa Gomes

Rodrigo Knopfli

Rui Macieira

Republic of Korea

Mi-ra Lee

Ju-young Park

Kyung-seok Park

Saudi Arabia

Abdullah M. Al-Rasheed

Aysar Tayeb

Switzerland

Sandra Limacher

United Kingdom of Great Britain and Northern Ireland

David Humphreys

Libby Jones

United States of America

Catherine Karr-Colque

Jerilyn Levi

Peter O'Donohue

Gerald Rose

Venezuela

Alonso Herrera De Abreu

H.E. Imeria Nunez Odreman

Holy See

Archbishop Celestino Migliore

2. **Representatives of members of the Collaborative Partnership on Forests**

Jill Blockhus, World Bank

Amha bin Buang, International Tropical Timber Organization

Melchiade Bukuru, secretariat of the United Nations Convention to Combat Desertification

David Casells, World Bank

Charles Di Leva, World Bank

Hosny El-Lakany, Food and Agriculture Organization of the United Nations

Claudio Forner, secretariat of the United Nations Framework Convention on Climate Change

Conrod Hunte, secretariat of the Convention on Biological Diversity

Laura Ivers, World Bank

Peter Mayer, International Union of Forest Research Organizations

Barbara Ruis, United Nations Environment Programme

Risto Seppala, International Union of Forest Research Organizations

Tiina Vahanen, Food and Agriculture Organization of the United Nations

Mark Zimsky, Global Environment Facility

3. **Other intergovernmental organizations, processes and convention secretariats**

Piotr Borkowski, Ministerial Conference on the Protection of Forests in Europe

4. Major group organizations

Pierre Andipatin, National Federation of Youth Organizations in Bangladesh (children and youth)

Nelson Carrasquillo, Comité de Apoyo a los Trabajadores Agrícolas (Farmworkers Support Committee) (non-governmental organizations)

Mary J. Coulombe, American Forest and Paper Association (business and industry)

Lauren Eastwood, Association of Third World Studies (non-governmental organizations)

Bernard de Galembert, American Forest and Paper Association (business and industry)

Andrie Laletin, Friends of the Earth International (non-governmental organizations)

Miguel Lovera, Friends of the Earth International (non-governmental organizations)

Richard Mandelbaum, Comité de Apoyo a los Trabajadores Agrícolas (Farmworkers Support Committee) (non-governmental organizations)

Bill Mankin, World Wide Fund for Nature (WWF) (non-governmental organizations)

Peter de Marsh, Confederation of European Forest Owners (Farmers and Small Forest Landowners)

Xavier Ndona Makusa, National Federation of Youth Organizations in Bangladesh (children and youth)

Margaret Niedda, Comité de Apoyo a los Trabajadores Agrícolas (Farmworkers Support Committee) (non-governmental organizations)

Teresa Niedda, Comité de Apoyo a los Trabajadores Agrícolas (Farmworkers Support Committee) (non-governmental organizations)

Zenon Perez, Comité de Apoyo a los Trabajadores Agrícolas (Farmworkers Support Committee) (non-governmental organizations)

Jebra Ram Muchahary, Friends of the Earth International (indigenous peoples)

Kittisak Rattanakrajangsri, Friends of the Earth International (indigenous peoples)

William Street, International Federation of Building and Wood Workers (workers and trade unions)

Peter Wood, National Federation of Youth Organizations in Bangladesh (children and youth)

Atse Yapi, International Union of Forest Research Organizations (scientific and technological community)

Annex II

List of documents

Provisional agenda and annotations (E/CN.18/AC.3/2004/1)

Note by the Secretariat on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests (E/CN.18/AC.3/2004/2)

Note by Secretariat on the overview on catalysts and obstacles in the implementation of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action and resolutions and decisions of the United Nations Forum on Forests (E/CN.18/AC.3/2004/3)

Background document on a compilation of views submitted by member States and information provided by members of the Collaborative Partnership on Forests (E/CN.18/AC.3/2004/CRP.1)

Background document on recent developments in existing forest-related instruments, agreements and processes (working draft) (E/CN.18/AC.3/2004/CRP.2)

Background document on an overview of international law (working draft)

Economic and Social Council resolution 2000/35

Economic and Social Council decision 2003/299

Report of the Ad Hoc Expert Group on Approaches and Mechanisms for Monitoring, Assessment and Reporting (E/CN.18/2004/2)

Report of the Ad Hoc Expert Group on the Finance and Transfer of Environmentally Sound Technologies (E/CN.18/2004/5)

Report of the United Nations Forum on Forests on the fourth session (E/CN.18/2004/17), *Official Records of the Economic and Social Council, 2004, Supplement No. 22* (E/2004/42)